

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

----- x  
CHARLES V. VACCARO  
Plaintiff,

07 Civ. 6793 (DLC)

- against -

**AFFIDAVIT OF SERVICE**

THE BANK OF NEW YORK COMPANY, INC.

Defendant.  
----- x

STATE OF NEW YORK     )  
                                  ) ss.:  
COUNTY OF NEW YORK    )

**JENNIFER FRATTINI**, being duly sworn, deposes and says: that she resides in New York, New York; that she is over the age of eighteen years old and that she is not a party to this proceeding.

That on the 19th day of October, 2007, she served by Overnight Federal Express mail the **NOTICE OF INITIAL PRETRIAL CONFERENCE AND THE INDIVIDUAL PRACTICES IN CIVIL CASES, DENISE COTE, UNITED STATES DISTRICT JUDGE** upon the following party:

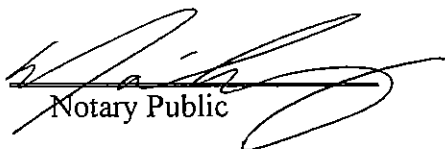
Rosario DeVito, Esq.  
The Law Offices of Paul J. Giacomo, Jr.  
The Chrysler Building  
405 Lexington Avenue  
37th Floor  
New York, New York 10174

which is the address designated by said attorneys for that purpose, by depositing a true copy thereof,

enclosed in a prepaid properly addressed envelope in an official depository under the exclusive care and custody of Federal Express within the State of New York.

  
JENNIFER FRATTINI

Sworn to before me this  
22<sup>nd</sup> day of October, 2007

  
Notary Public

NA'EEM CONWAY  
Notary Public, State of New York  
No. 01CO6110667  
Qualified in New York County  
Commission Expires June 1, 2008